

BY AUTHORITY.



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HENRY M. WHITNEY.

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The parting address of Minister Chas. E. De Long to the Mikado of Japan, and the reply of the latter, which will be found in another column in full, will be read with interest. During his residence in Japan Mr. De Long has taken a special interest in the affairs of the Kingdom, and has, on more than one occasion, rendered valuable services to the Mikado. Among other things he negotiated the treaty now in force between Hawaii and Japan. It is possible that he may visit Honolulu, on his way to San Francisco, to the further extent that the Constitution permits, adverse to public interests, and conflicts as far as anything can conflict with the provisions in Article 20.

It is true that the Legislature is the judge of the qualifications of its own members; but it can make no qualifications which are not required by the Constitution or ignore any which the Constitution requires. To decide whether the constitutional qualifications are possessed, is not to decide what shall or shall not be required.

We hope then that the Legislature will think better to let the Constitution and laws stand as they are on this subject, than to amend by specifying cases which are as clearly within the language of the existing law as words can make them; and that it will reject this proposed amendment.

departments of government separate from each other as far as can be done consistently with other principles of Constitutional government, ought not to be neglected. It is not for the public good, that executive or judicial officers use their positions to obtain seats in the Legislature, nor that they leave their regular posts of duty, required there, to aid in making laws. It may be undesirable to have Legislatures composed of those who are aiming to become magistrates, tax collectors, assessors, governors, Custom House officers, sheriffs, marshals, constables, commissioners of boundaries and rights of way and water, and so on; but to form the Legislature from men already holding such offices, to any further extent than the Constitution permits, is adverse to public interests, and conflicts as far as anything can conflict with the provisions in Article 20.

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A Spec of War.

We may judge from the tone of the American papers and telegrams received by the mail relating to the capture of the blockade runner Virginian, some interruption of the peaceful relations between the United States and Spain is possible. But if our opinion is based solely on the facts of the case as published, there is less reason to anticipate any serious trouble. The Virginian was an American merchant vessel fitted out to carry ammunition, men and supplies to the Cuban rebels; in other words, she was a blockade runner, engaged in unlawful service, and all who were interested as owners or otherwise took the risks attending the capture of such vessels. During the American civil war, scores of them were fitted out in England, many of which were captured, and with their cargoes were confiscated. But no instance is on record where the officers, crew or passengers destined for the enemy's service were punished by death. The risk was therefore small, and amounted only to the loss of cargo and vessel. The capture of such a vessel within the jurisdiction of the nation, is always justifiable, but when the capture occurs on the high seas, as in the case of the Virginian, a demand can be made for the seizure by the nation whose flag she bears.

The Virginian was not fitted as a privateer, nor is there any evidence to show that she ever made reprisals. She did not, therefore belong to the piratical class as did the Florida and Seminole, but was a merchant vessel engaged in unlawful service. The case of the British blockade runner Durhamborn, lately captured by the Spanish forces while engaged in landing supplies for the rebels in Spain, is very nearly analogous. When her capture became known, England interceded and secured the release of the captain, crew and vessel, though the cargo of supplies, which was contraband, was confiscated. Had the Spanish authorities shut the captain and crew of the Durhamborn, after a drumhead trial, the case would have been parallel to that of the Virginian. And all the world would have denounced the act as barbarous, and the perpetrators as savages. That the Spaniards in their warfare, in Spain as well as in Cuba, too often practice barbarities, not countenanced by modern usage, is too well known. Those who venture within her power, do so at their peril, well knowing the penalty of their rashness.

The American Government will probably demand the restoration of the Virginian, as having been unlawfully captured on the high seas, and perhaps some compensation against the repetition of such murderous slaughter as have been reported in this instance. Beyond this, probably nothing will take place. It is stated that Caledon Cushing, the eminent lawyer connected with the Geneva arbitration, "who is at times called in by such changes as are upon the Legislature following that which propels them, and after a three months' publication of them in the newspapers. If such matters are weighed in the light of an intelligent public opinion, law makers are left free to act on their own caprices, prejudices or ignorances.

The first of the proposed amendments is in Article 20, which now reads: "The Supreme Power of the Kingdom in its exercise is divided into the Executive, Legislative and Judicial. These shall always be preserved distinct, and no judge of a Court of record shall ever be a member of the Legislative Assembly." It is proposed to insert in place of the italicized words, "and officer of the Judicial Department shall ever be a member of the House of Representatives."

The wording of this amendment is open to objections, as vague and indefinite. It is not desired that such officers of the Department of the Judiciary as Attorneys-at-law and Masters-in-Chancery be excluded; but simply to exclude judicial officers, and it would be better to say no.

But apart from this verbal criticism, the amendment is unnecessary and therefore undesirable. A Constitution gains strength by showing that it can weather the test of time without frequent patching. Besides, it is far easier to do than to undo such work.

If Article 20 does not now exclude all judicial officers from the legislative and executive departments, legislative officers from the bench and executive departments, and executive officers from the departments of the judiciary and the legislature, it is hard to give it any meaning.

The enumeration of Judges of Courts of Record, as excluded from the Legislature, has been thought by some to admit all other judges, even in fact of Section 518 of the Civil Code, providing that "No person holding a seat on the Bench of the Supreme Court, the Circuit or any Police or District Court, shall be eligible to a seat in the House of Representatives of this Kingdom." When it was argued that the late Circuit Judge of Oahu was eligible, because that is not a Court of Record, it seems to have been forgotten that he was appointed by the King as a Judge of a Court of Record, under Article 71 of the Constitution.

The reason that ought to have been given is, that the Constitution in making Nobles members of the Legislature, may be supposed to modify the provision in Article 20, for the imitation of the three branches of government. The Constitution makes other important modifications, by which the Chief Executive forms an integral part of the legislative power, and has the power of making treaties, and military law, declaring martial law, pardoning offenses, coining money, regulating currency, and appointing officers. But it is not within the Constitutional power of any branch of Government to exceed these limitations of the 20th Article further than the Constitution itself extends them, for if it were, that document would become worthless as a guarantee of legal rights.

It is a pleasure to me to say that I but obey the instruction of the President who has commanded me, when I assure Your Majesty that you have the

good will of the President and people of the United States of America, and their best wishes for the prosperity of Your Majesty and of the people of Japan. The people whom I represent are not unmindful of the trust and confidence uniformly manifested by Your Majesty's Government towards the Government and citizens of the United States.

Thanking Your Majesty for the distinguished consideration shown me, and sincerely desiring that this growing Empire of the east may continue to advance with the advancing civilization of the age, I have the honor to place in Your Majesty's hands my letter of credence signed by the President and authenticated by the great seal of the United States of America."

To which His Majesty returned the customary welcoming the new representative.

Mr. Euston:—"I have been much interested in W. H. Seward's journey around the World." The book was written by Miss Olive Bidsey Seward, the late Secretary Seward's adopted daughter, "who in writing these notes records his political, social, moral and philosophical observations and reflections in his own words" (p. 4).

In no country is this more truly the case than in Japan. The Mikado, it is true, has on some occasions exhibited himself in public, and engaged personally in the reception of imperial guests; but this has been felt by some to be a dismal show, which might mean everything or nothing.

At first sight, we are inclined to think Mr. De Long's address somewhat too long, second thoughts convince us that he had a definite object in view. In his farewell address, he has boldly struck a blow for progress and reform in the front of royalty itself, and obtained a response, giving proof that His Majesty has read and considered the ideas presented.

We now know that His Majesty has received some foreign ideas unobtained by transmission through ministerial channels, and we have in His Majesty's reply an assurance of his personal sympathy with the march of progress. We therefore feel that the thanks of all are due Mr. De Long for having thus conveyed to His Majesty this expression of foreign sentiment and obtained such an assurance as reply.

Introductory and farewell speeches are generally confined to complimentary platitudes meaning literally nothing. In this address and reply we are refreshed by hearing some addressed and responded to, and we can feel assured that His Majesty knows something of foreign sentiment. Mr. De Long may well feel proud of the flattering assurances extended to him personally, which we trust may forever set at rest the question of his relations with this court, which some recklessly correspondents saw proper to misrepresent.

Mr. De Long first addressed the Emperor as follows:

"Your MAJESTY.—Having been relieved from my daily her I come to bid farewell.

In the name of the President, the Government, and the people of the United States, I beg to assure the present and united wishes of all for the health, well being, and continued prosperity of Your Majesty and the people of Japan.

I beg to assure Your Majesty that it is the most sincere wish and desire of the President of the United States to have continued the existing relations of amity which exist between Government to Japan in such close relations. I beg to bespeak in the name of the President, and in my own behalf, Your Majesty's confidence and support (so kindly yielded to me in the past), to be enabled in turn upon the honorable and most distinguished gentlemen who have served me.

His arry, his great experience in public life, and his long service in the highest official circles of the United States Government, thoroughly qualifies him to meet in council with Your Majesty's Ministers.

It is my proud privilege to now state that during the earlier period of my service here, I have met with nothing but kindness and courtesy at the hands of Your Majesty's Ministers; and having received repeated proofs of Imperial favor I turn away with no feelings but those of gratitude and reverence for Your Majesty, respect and esteem for the ministry, and kind regards for the Japanese people.

Venturing for a moment beyond the possibly proper limits of an adieu I beg to say that my Government and people, rejoicing at the adoption by China of the policy of the Western States, hail with peculiar pride and pleasure the release of Japanese converts to Christianity from their bonds of captivity and their being allowed to return to their homes; and the removal of the effects against Christians teaching and practices; as a friendly concession to the opinions of those nations in the west of Your Majesty.

The recent action of Your Majesty's Government in earnestly joining with Western Powers in their efforts to suppress the "Cooche Trade," the recent negotiation of a treaty of peace and amity with China, thus helping to break down the barriers of seclusion; whilst Your Majesty's noble and distinguished Ambassador led the way to the presence of the Chinese Emperor; and the indicated policy of Your Majesty to compel the barbarian inhabitants of countries adjacent to Japan to treat with kindness and mercy distressed travelers cast upon their shores; all bespeak such a kindred sentiment to that prevailing amongst nations in the west that I venture to speak the thanks of the American people to Your Majesty.

The action of Your Majesty in sending forth to the nations of the earth the most distinguished Councillors, has met at the hands of those nations with such a hearty response that no words of mine are needed to picture the gratitude this action has given to Your Majesty's allies.

The sending out of young noblemen as students to learn and bear back with them a correct knowledge of the customs, manners and policy of Western States, also assures all concerned that the time is near when these lovely and picturesque Empires shall be as free for trade, travel and residence to the citizens and subjects of Western States as are those to Your Majesty's subjects.

God speed the hours that shall behold a convergence of these wishes. When it comes now will be the time when Your Majesty shall be with the American people.

Whilst the sure foundations were being laid for these developments I have been permitted to enounce the confidence and association of Your Majesty's Ministry. I now step on one side to be henceforth no actor in this scene; but through life I shall ever remain a most friendly and interested spectator.

With all due humility I now bid Your Majesty adieu.

Everything brings a good price except books. There is no demand for the "grand old masters, or the herbs volume;" a box of books will be put up, and knocked down at half a dollar. I have seen pictures sold at seventy-five cents a pair, and Prentiss' "Ferdinand and Isabella" at twelve and a half cents a volume; at the same sale I have known looking glasses worth a shilling at home being a dollar each; and have seen the "Encyclopedie Britannica," worth five dollars, sell for a cent.

REPLY OF MR. DE LONG TO MR. DE LONG.

"It is with much pleasure that I have heard, on the eve of your departure, the assurances you give me of the good wishes which the President of the United States voices for the prosperity of this country.

I doubt not your successor will meet with the same good will and confidence that has ever been extended to you.

It is a source of much gratification to me to know that the intercourse between our Ministers and yourself has never ceased to be mutually agreeable.

I fully appreciate the statements you make in praise of certain acts of this government but which I suppose are possibly overstated; although it has been our constant aim to lead our people toward a higher grade of civilization.

I shall never forget your friendly sentiments to our country; and I am pleased to hear that they will remain unchanged after your departure.

I sincerely hope that you may ever enjoy the blessings of health—especially during the long voyage that lies before you.

Mr. De Long thus introduced as his successor the Hon. John A. Bingham, who addressed His Majesty as follows:

"Your MAJESTY.—Obedient to the instructions of my Government and to my own sense of duty as well, it shall be my endeavor by good offices to strengthen, so far as I may be able, the friendly and happy subsisting between Your Majesty's Government and my own to advance the interests of each.

It is a pleasure to me to say that I but obey the instruction of the President who has commanded me, when I assure Your Majesty that you have the

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